



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/765,716	01/07/2004	Jerome Soupe	U 014967-6

00140  
LADAS & PARRY  
26 WEST 61ST STREET  
NEW YORK, NY 10023



CONFIRMATION NO. 2542

## FORMALITIES LETTER



\*OC000000012451803\*

Date Mailed: 04/27/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/20/2004 BABRAHA1 00000003 10765716

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 770.00 OP  
02 FC:1051 130.00 OP  
03 FC:1203 290.00 OP

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$290** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1190** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$290**
- \$290 for multiple dependent claim surcharge.

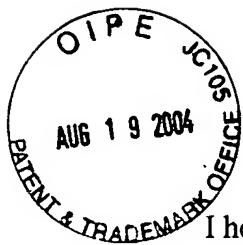
Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY



Attorney Docket No. 46015/MOGUSCNT1  
U.S. Serial No. 10/765,716

**FILING BY "FIRST CLASS MAIL" UNDER 37 C.F.R. § 1.8**

I hereby certify that the following correspondence is being deposited with the United States Postal Service as "First Class Mail" with proper postage in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 17, 2004.

- 1) Response to Notice to File Missing Parts of Nonprovisional Application
- 2) Petition for Extension of Time
- 3) Copy of Notice to File Missing Parts of Nonprovisional Application dated April 27, 2004
- 4) Declaration (8 pages total)
- 5) Credit Card Payment Form (2 total)
- 6) Return Postcard

Melissa Hardy

Name

Melissa Hardy  
Signature



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
SOUPPE ET AL.

GROUP ART UNIT: 1632

APPLICATION NO: 10/765,716

CONFIRMATION NO.: 2542

FILED: January 7, 2004

FOR: PROCESS FOR THE PRODUCTION OF ALCOHOLIC  
BEVERAGES USING MALTSEED

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Sir:

The Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) - Filing Date Granted dated April 27, 2004 (a copy of which is enclosed) has a shortened statutory time set to expire on June 27, 2004. The Notice states missing items were (1) the statutory basic filing fee of \$770, (2) multiple dependent claims fee of \$290; (3) an Oath or Declaration with late fee of \$130 for a total of \$1190 in fees; (4) a sequence listing in paper and computer readable form and (5) a Statement under CFR § 1.821 et seq.

In response, Applicants submit herewith: 1) the late fees of \$1190 paid by credit card; and 2) a copy of a fully executed Declaration and Power of Attorney.

The Sequence listing for this continuation application is the same as that submitted for the parent application no. 09/970,616. Pursuant to 37 CFR § 1.821(e) request the sequence listing for this application to be identical to that from the parent application 09/970,616. No new Statement regarding the sequence listing is required.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, to Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,

Syngenta Biotechnology, Inc.  
Patent Department  
P.O. Box 12257  
Research Triangle Park, NC 27709-2257

Mary Kakefuda  
Mary Kakefuda  
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Date: 8/17/04